

**FILED**

**MAY 22 2017**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

Clerk, U S District Court  
District Of Montana  
Missoula

TRAVIS CHERRY,

Plaintiff,

vs.

TERRY GLENN, et al.,

Defendants.

CV 17-0026-H-DLC-JTJ

**ORDER**

United States Magistrate Judge John T. Johnston entered findings and recommendations in this case on April 17, 2017, recommending that Plaintiff Travis Cherry's ("Cherry") complaint be dismissed because Cherry failed to provide the Court with a written notice informing it of his change of address. Cherry did not object to the findings and recommendations, and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations

omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Johnston's conclusion. Cherry has failed to comply with L. R. 5.2(b). The Court has given him ample time to update his address and public policy weighs in favor of disposition in this case.

Accordingly, IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 10) are ADOPTED IN FULL. This case is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court shall CLOSE this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. The Clerk of Court is also directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 22<sup>nd</sup> day of May, 2017.



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Dana L. Christensen  
Chief Judge  
United States District Court